



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**CRISTINA GELVIN v. THE HON. PARKER/KERR GELVIN
CV-25-0116-PR**

PARTIES:

Petitioner: Kerr Gelvin (“Husband”)

Respondent: Cristina Gelvin (“Wife”)

FACTS:

Wife filed for divorce from Husband. She also signed a consent form giving her attorney permission to communicate with her mother about issues related to the divorce action. The consent form stated Wife’s intent to maintain confidentiality and attorney-client privilege under the principles set forth in *Accomazzo v. Kemp*, 234 Ariz. 169 (App. 2014). Relying on the consent form, Wife refused to disclose various documents to Husband. The superior court granted Husband’s motion to compel the production of some of those documents. Wife then sought special action relief in the court of appeals.

The court of appeals found that the consent form reflected an agreement between Wife and her mother to maintain the confidentiality of their communications with Wife’s attorney. Therefore, under *Accomazzo*, communications between Wife’s attorney and her mother are presumed to be protected by attorney-client privilege. Because Husband did not meet his burden of overcoming that presumption, the court of appeals vacated the superior court’s order requiring disclosure of those communications.

ISSUES:

1. Does *Accomazzo v. Kemp*, 234 Ariz. 169 (App. 2014), extend the attorney-client privilege to communications between an attorney and a third party outside the client’s presence?
2. Does *Accomazzo* preserve the privilege when the third party’s presence is not necessary to effectuate the purposes of the legal representation?
3. Does *Accomazzo* improperly shift the burden to the party challenging the assertion of privilege to establish facts necessary to refute it?
4. If *Accomazzo* protects the communications at issue, should it be limited or overruled?
5. Should the Court decide that *Accomazzo v. Kemp*, 234 Ariz. 169 (App. 2014), is wrongly decided, should the Court’s decision be applied prospectively only?

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